

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**RICHARD BOHNER,**  
**Plaintiff,**

**v.**

**SYLVIA MATTHEWS BURWELL,**  
**Secretary of Health and Human Services,**  
**Defendant.**

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**CIVIL ACTION  
NO.: 15-4088**

**ORDER**

AND NOW, this 1<sup>st</sup> day of December, 2016, upon consideration of Plaintiff's Motion for Summary (Dkt No. 18), including Plaintiff's Statement of Undisputed Material Facts, Defendant's Motion for Summary Judgment (Dkt No. 19), including Defendant's Statement of Undisputed Material Facts, Defendant's Response in Opposition to Plaintiff's Motion for Summary Judgment (Dkt No. 20), including Defendant's Statement of Disputed/Undisputed Material, Plaintiff's Response in Opposition to Defendant's Motion for Summary Judgment (Dkt No. 21), including Plaintiff's Counter-Statement of Undisputed Material Facts and Response to Defendant's Statement of Undisputed Material, Plaintiff's Reply (Dkt No. 22), and Defendant's Reply (Dkt No. 23), including Defendant's Response to Plaintiff's Counterstatement of Material Facts it is hereby ORDERED that:

1. Plaintiff's Motion for Summary Judgment is DENIED;
2. Defendant's Motion for Summary Judgment is GRANTED;

BY THE COURT:

C. Darnell Jones, II

C. Darnell Jones, II     J.